

REQUEST	Current Zoning: R-3 (single family residential) Proposed Zoning: UR-2(CD) (urban residential, conditional)
LOCATION	Approximately 4.66 acres located on the northeast corner at the intersection of Park Road and Sharon Road. (Council District 6 - Smith)
SUMMARY OF PETITION	The petition proposes 18 for-sale single family attached dwelling units and a maximum of 36 for-rent or for-sale multi-family dwelling units, at an overall density of 11.6 units per acre.
PROPERTY OWNER PETITIONER AGENT/REPRESENTATIVE	John L. Allen, Jr., Kathryn Allen and Willeen A. Roy Park Sharon Properties, LLC John Carmichael, Robinson Bradshaw & Hinson, P.A.
COMMUNITY MEETING	Meeting is required and has been held. Report available online. Number of people attending the Community Meeting: 86
STATEMENT OF CONSISTENCY	<p>This petition is found to be consistent with the <i>South District Plan</i> and the <i>General Development Policies</i>, based on information from the staff analysis and the public hearing, and because:</p> <ul style="list-style-type: none"> • The plan recommends residential land uses at this location and the site meets the <i>General Development Policies (GDP)</i> criteria for 12 dwelling units per acre. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the proposed request:</p> <ul style="list-style-type: none"> • Provides connectivity via a new street; and • Provides buffers, landscaped areas and fencing abutting existing single family dwellings; and • Limits the three-story building to the intersection of Sharon Road and Park Road; and • Contributes to the civic design of the street; <p>By a 6-0 vote of the Zoning Committee (motion by Commissioner Ryan seconded by Commissioner Nelson).</p>

ZONING COMMITTEE ACTION	<p>The Zoning Committee voted 6-0 to recommend APPROVAL of this petition with the following modifications:</p> <ol style="list-style-type: none"> 1. Labeled the 10-foot landscape/buffer area referenced in Note F under the heading of Streetscape and Landscaping/Screening. Amended Note F under Streetscape and Landscaping/Screening as follows: "A minimum 10-foot wide landscape area shall be established along that portion of the site's boundary adjacent to tax parcel 179-112-38 as more particularly depicted on the rezoning plan. Trees and shrubs shall be installed within this 10-foot wide landscape/buffer area in accordance with the landscape plan on the rezoning plan." 2. Amended Note I under the heading of Streetscape and Landscaping/Screening to clarify the location of the yards referenced as follows: "Fences may be installed to enclose the yards of the single family attached dwelling units at the option of the petitioner or the ultimate owners of the single family attached dwelling units. The potential locations of these optional fences are depicted on the rezoning plan; however, the ultimate locations of any such fences may deviate from what is depicted on the rezoning plan due to the final grade of the site." 3. Revised the site plan to label the portion of the proposed access on Sharon Road that stubs to abutting residential property located
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- north of the subject property as a public Residential Medium street. Amended Note I under the heading of Transportation to state that the proposed street shall terminate at a point 32 to 40 feet from the northerly boundary line of the site, and the petitioner shall dedicate right-of-way from the terminus of the improvements relating to the Residential Medium Street to the northerly boundary line of the site as depicted on the rezoning plan to accommodate a potential future vehicular connection to the parcels of land located to the north of the site in the event such parcels are redeveloped.
4. Amended Note G under the heading of Architectural Standards to specify that the permitted exterior building materials for the elevations of the multi-family buildings that front Sharon Road and Park Road are designated and labelled on the conceptual architectural renderings set out on Sheet RZ-2 and these exterior building materials shall be utilized on all elevations of the multi-family building (i.e. brick predominantly utilized on all sides of the multi-family building). The use of cementitious siding shall be permitted for accent features, which shall include, but not be limited to, bay windows, dormers, shed roofs, and gables.
 5. Amended Note E under heading of Transportation to delete the word "shelter" and instead reference bus concrete waiting pad.
 6. Along the entire Sharon Road frontage, replacing the back of curb sidewalk with an eight-foot wide planting strip and a six-foot wide sidewalk.
 7. Reduced the number of for-sale single family attached dwelling units from 19 to 18 units.
 8. Petitioner shall, at its sole cost and expenses, restripe that portion of Sharon Road that is more particularly depicted on the rezoning plan. The restriping of Sharon Road shall be completed by Petitioner prior to the issuance of a certificate of occupancy for the first new building constructed on the site.
 9. Petitioner shall construct that portion of the public Residential Medium Street that is depicted on the rezoning plan. As depicted on the rezoning plan, the Residential Medium Street and any improvements relating thereto shall terminate at a point located approximately 32 to 40 feet from the northerly boundary line of the site. Petitioner shall dedicate right-of-way from the terminus of the improvements relating to the Residential Medium Street to the northerly boundary line of the site as depicted on the rezoning plan to accommodate a potential future vehicular connection to the parcels of land located to the north of the site in the event that such parcels are redeveloped. This right-of-way area shall remain unimproved except for a fence and landscaping until such time that the Residential Medium Street is extended to the northerly boundary line of the site in connection with the redevelopment of the parcels of land located to the north of the site.
 10. Prior to the issuance of a certificate of occupancy for the first new building constructed on the site, the petitioner shall submit the sum of \$12,000 or a letter of credit in the amount of \$12,000, to CDOT to pay for and fund the installation of a pedestrian refuge in Sharon Road. This \$12,000 payment, or letter of credit, shall be held by CDOT for the three-year period commencing on the date of the issuance of a certificate of occupancy for the first new building constructed on the site. If CDOT makes the decision to install the pedestrian refuge within this three-year period, then these funds shall be used by CDOT to pay for the installation of the pedestrian refuge. If CDOT does not make the decision to install the pedestrian refuge within this three-year period or determines not to install the pedestrian refuge prior to the expiration of this three-year period, then the \$12,000 payment of the letter of credit shall be returned to the petitioner. CDOT and the petitioner shall enter into an escrow agreement to document this agreement.
 11. The maximum height of the multi-family building shall be 50 feet as measured from the average grade at the base of the structure.

12. The maximum height of the multi-family building, as measured only from that specific point on Sharon Road designated as "Point A- Elevation 680 Feet" on the rezoning plan, shall be 55 feet.
13. The maximum height of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the structure.
14. Amended Note F under Architectural Standards as follows: Set out on Sheet RZ-2 are conceptual architectural renderings of the elevations of the multi-family buildings that front Sharon Road and Park Road that are intended to depict the general conceptual architectural style and character of the elevations of the multi-family buildings that front these public streets. Accordingly, the elevations of the multi-family buildings that front Sharon Road and Park Road shall be designed and constructed so that such elevations are substantially similar in appearance to the conceptual architectural renderings set out on Sheet RZ-2 with respect to architectural style, character, and primary building materials. Notwithstanding the foregoing, changes and alterations to the elevations of the multi-family buildings that front the relevant public streets which do not materially change the overall conceptual architectural style and character shall be permitted.
15. Amended Note H under Architectural Standards as follows: Set out on Sheet RZ-2 are conceptual architectural renderings of the front elevation of the single family attached dwelling units that will face Sharon Road and the boundaries of the site (designated as the "Exterior Facing Townhome Elevation") and conceptual architectural renderings of the rear elevation of the single family attached dwelling units that will face the internal portions of the site (designated as the "Interior Facing Townhome Elevation") that are intended to depict the general conceptual architectural style and character of the front and rear elevations of the single family attached dwelling units. Accordingly, the front elevation of the single family attached dwelling units shall be designed and constructed so that such elevation is substantially similar in appearance to the Exterior Facing Townhome Elevation with respect to architectural style, character and primary building materials, and the rear elevation of the single family attached dwelling units shall be designed and constructed so that such elevation is substantially similar in appearance to the Interior Facing Townhome Elevation with respect to architectural style, character and primary building materials. Notwithstanding the foregoing, changes and alterations which do not materially change the overall conceptual architectural style and character shall be permitted. Additionally, notwithstanding the above, the single family attached dwelling units may utilize a hip roof, a gable roof or a combination thereof.
16. Amended Note I under Architectural Standards as follows: The permitted exterior building materials for the single family attached dwelling units are designated and labelled on the Exterior Facing Townhome Elevation and the Interior Facing Townhome Elevation set out on Sheet RZ-2, and these exterior building materials shall be utilized on the side elevations of the single family attached dwelling units (i.e. brick predominantly utilized on all sides of the single family attached dwelling units). The use of cementitious siding shall be permitted for accent features, which shall include but not be limited to bay windows, dormers, shed roofs, and gables.
17. Amended Note D under Streetscape and Landscaping/Screening as follows: A minimum 30-foot wide landscape area shall be established along those boundaries of the site that are more particularly depicted on the rezoning plan. Trees and shrubs shall be installed within this 30-foot wide landscape area in accordance with the landscape plan on the rezoning plan. The 30-foot wide landscape area is a portion of the site's tree save area under the

- Tree Ordinance, and petitioner will comply with the requirements of the Tree Ordinance with respect to the preservation of trees located within the 30-foot wide landscape area.
18. Petitioner may remove trees from the 30-foot wide landscape area as required to install the fence described below in paragraph G within the 30-foot wide landscape area. Petitioner shall take reasonable measures to minimize the loss of trees in connection with the installation of the fence, including meandering the fence up to five feet from a centerline bearing.
 19. Amended Note G under Streetscape and Landscaping/Screening to specify that the petitioner shall install a minimum six-foot tall fence within the 30-foot wide landscape area as depicted on the rezoning plan, and the fence may meander up to five feet from a centerline bearing.
 20. Amended Note H under Streetscape and Landscaping/Screening to specify that the petitioner shall install a minimum seven-foot tall wall along that portion of the site's boundary adjacent to tax parcel 179-112-38.
 21. Amended Note I under Streetscape and Landscaping/Screening as follows: Fences may be installed to enclose the yards of the single family attached dwelling units at the option of the petitioner or the ultimate owners of the single family attached dwelling units. The potential locations of these optional fences are depicted on the rezoning plan; however, the ultimate locations of any such fences may deviate from what is depicted on the rezoning plan due to the final grade of the site.
 22. Construction activities may not be conducted on the site on Sundays.
 23. Any construction activities conducted on the site on Saturdays may not commence prior to 8:30 a.m. and must cease by 7 p.m.
 24. Concrete may be poured on the site only between the hours of 7 a.m. and 8 p.m.
 25. Amended Elevations on Sheet RZ-2 to amend the Perimeter Fence Detail to reflect prefinished black aluminum (simulated wrought iron) fence pickets and rails and prefinished black aluminum (simulated wrought iron) fence post.
 26. Amended Elevations on Sheet RZ-2 to label Elevation 03 as Exterior Facing Townhome Elevation.
 27. Amended Elevations on Sheet RZ-2 to add Elevation 07 Interior Facing Townhome Elevation.
 28. Proposed left-turn lane reflected on Sharon Road
 29. Proposed setbacks and future back of curb location reflected along Sharon Road and Park Road.

VOTE

Motion/Second: Nelson/Ryan
 Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, and Sullivan
 Nays: None
 Absent: Walker
 Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that all outstanding issues have been addressed. Staff noted that CDOT amended their comments for the petition from those listed in the staff analysis, and worked with the petitioner to address all transportation issues.

STAFF OPINION

Staff agrees with the recommendation of the Zoning Committee.

PLANNING STAFF REVIEW**• Proposed Request Details**

The site plan accompanying this petition contains the following provisions:

- The petition proposes 18 for-sale single family attached dwelling units and a maximum of 36 for-rent or for-sale multi-family dwelling units, at an overall density of 11.6 units per acre.
- Single family attached units limited to two stories in height, with a pitched roof.
- Multi-family units are limited to three stories excluding the below grade parking structure.
- The maximum height in feet of the multi-family building shall be 50 feet as measured from the average grade at the base of the structure.
- The maximum height in feet of the multi-family building as measured only from that specific point on Sharon Road designated as "Point A- Elevation 680 Feet" on the rezoning plan shall be 55 feet.
- The maximum height in feet of the single family attached dwelling units shall be 45 feet as measured from the average grade at the base of the structure.
- Site access via Sharon Road and Park Road.
- A concrete waiting pad will be provided for the existing bus stop located on Sharon Road abutting the site.
- Petitioner to dedicate and convey 35 feet of right-of-way from the existing centerline of the Sharon Road right-of-way, and 50 feet from the existing centerline of the Park Road right-of-way, to the extent that such right-of-way does not already exist.
- Proposed building materials include brick veneer, with architectural grade asphalt shingles, painted metal railings, and painted, vinyl or stucco trim and soffits. Vinyl is prohibited as an exterior building material except that vinyl may be utilized on the soffits and trim and vinyl windows may be installed on the multi-family building.
- Conceptual architectural renderings for buildings along public streets, and exterior and interior facing townhome elevations. The elevations of the multi-family buildings that front Sharon Road and Park Road shall be designed and constructed so that such elevations are substantially similar in appearance to the conceptual architectural renderings set out on Sheet RZ-2 with respect to architectural style, character and primary building materials.
- The permitted exterior building materials for the single family attached dwelling units as designated and labelled on the Exterior Facing Townhome Elevation and the Interior Facing Townhome Elevation shall be utilized on the side elevations of the single family attached dwelling units (i.e. brick predominantly utilized on all sides of the single family attached dwelling units). The use of cementitious siding shall be permitted for accent features, which shall include but not be limited to bay windows, dormers, shed roofs, and gables.
- A minimum 30-foot wide landscape area shall be established along those boundaries of the site that are more particularly depicted on the rezoning plan. Trees and shrubs shall be installed within this 30-foot wide landscape area in accordance with the landscape plan on the rezoning plan.
- The petitioner shall install a minimum seven-foot tall wall along that portion of the site's boundary adjacent to tax parcel 179-112-38.
- Fences may be installed to enclose the yards of the single family attached dwelling units at the option of the petitioner or the ultimate owners of the single family attached dwelling units. The potential locations of these optional fences are depicted on the rezoning plan; however, the ultimate locations of any such fences may deviate from what is depicted on the rezoning plan due to the final grade of the site.
- Construction activities may not be conducted on the site on Sundays.
- Any construction activities conducted on the site on Saturdays may not commence prior to 8:30 a.m. and must cease by 7 p.m.
- Concrete may be poured on the site only between the hours of 7 a.m. and 8 p.m.
- An eight-foot planting strip and six-foot sidewalk will be provided along the site's frontage on Sharon Road and a 13-foot planting strip and six-foot sidewalk will be provided along the frontage on Park Road.
- A minimum 20-foot setback from the back of curb along all public streets.
- Freestanding lighting limited to 20 feet in height.
- Freestanding lighting fixtures will be fully capped, shielded and downwardly directed. Lighting fixtures attached to buildings will be decorative, capped and downwardly directed.
- Petitioner shall, at its sole cost and expenses, restripe that portion of Sharon Road as shown on the rezoning plan, and the restriping shall be completed by Petitioner prior to the issuance of a certificate of occupancy for the first new building constructed on the site.
- Petitioner shall construct that portion of the public Residential Medium Street and any improvements relating thereto, which shall terminate at a point located approximately 32 to 40 feet from the northerly boundary line of the site.
- Prior to the issuance of a certificate of occupancy for the first new building constructed on the

site, the petitioner shall submit the sum of \$12,000 or a letter of credit in the amount of \$12,000, to CDOT to pay for and fund the installation of a pedestrian refuge in Sharon Road. This \$12,000 payment, or letter of credit, shall be held by CDOT for the three-year period commencing on the date of the issuance of a certificate of occupancy for the first new building constructed on the site.

- **Public Plans and Policies**

- The *South District Plan* (1993) recommends residential land uses at this location.
- The plan references the residential locational criteria of the *General Development Policies* (GDP) for areas of higher density. The site currently meets the *General Development Policies* (GDP) criteria for 12 dwelling units per acre.

Assessment Criteria	Density Category – up to 12 dua
Meeting with Staff	1
Sewer and Water Availability	2
Land Use Accessibility	2
Connectivity Analysis	3
Road Network Evaluation	0
Design Guidelines	4
Other Opportunities or Constraints	NA
Minimum Points Needed: 12	Total Points: 12

- The proposed request is consistent with the *South District Plan* and the *General Development Policies*.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
- **Charlotte Department of Neighborhood & Business Services:** No issues.
- **Transportation:** No issues.
- **Charlotte Fire Department:** No comments received.
- **Charlotte-Mecklenburg Schools:** No issues.
- **Charlotte-Mecklenburg Storm Water Services:** No issues.
- **Charlotte Water:** No issues.
- **Engineering and Property Management:** No issues.
- **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
- **Mecklenburg County Parks and Recreation Department:** No issues.
- **Urban Forestry:** No issues.

ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** The following explains how the petition addresses the environmentally sensitive site design guidance in the *General Development Policies-Environment*.
 - Minimizes impacts to the natural environment by building on an infill lot.

OUTSTANDING ISSUES

- No issues.

Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Locator Map
- Site Plan
- Community Meeting Report
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Transportation Review
- Charlotte-Mecklenburg Schools Review
- Charlotte-Mecklenburg Storm Water Services Review
- Charlotte Water Review
- Engineering and Property Management Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review
- Urban Forestry Review

Planner: Sonja Sanders (704) 336-8327